

REMARKS:

Careful consideration has been given to the Official Action of February 19, 2008 and reconsideration of the application as amended is respectfully requested.

Claims 10 and 16 stand rejected under 35 USC 112, first paragraph as allegedly failing to comply with the written description requirement.

Claims 1, 9, 13-15 and 17-22 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Milstein (US Patent No. 5,358,467) and in view of Sampson (US Patent No. 904,650).

Claim 10 stands rejected under 35 USC 103(a) as being allegedly unpatentable over Milstein in view of US Patent No. 5,665,053 (Jacobs).

Claims 23 and 24 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Milstein and further in view of Fang (US Patent No. 5,377,701).

Claim 16 stands rejected under 35 USC 103(a) as being allegedly unpatentable over Milstein and Jacobs, and further in view of Frenkel (DE 4304091).

To avoid the rejections under 35 USC 112, first paragraph and 35 USC 103(a), claims 10 and 16 have been canceled without prejudice.

Claim 1 has been amended to incorporate the features previously recited in claims 17 and 19, which have been canceled without prejudice.

The claims as now presented are patentable over the cited references as will be discussed hereafter.

In order to provide a skin massage device which can lift, fold, compress, and smooth the skin (see, for example, paragraphs [0082] and [0083] of the published application), the claimed invention provides a membrane that includes a central portion (103b) extending transversely across a surface of the membrane (103) and having a plurality of holes that are aligned and spaced from one another between two lateral portions of the membrane. The two lateral portions are thicker than the central portion. This unique configuration of the membrane is now clearly recited in claim 1.

In contrast, Milstein merely shows a device which has a plurality of through holes 18. Milstein does not teach or suggest a central portion extending transversely across a surface of the membrane and having a plurality of holes that are aligned and spaced from one another between two lateral portions as required by claim 1.

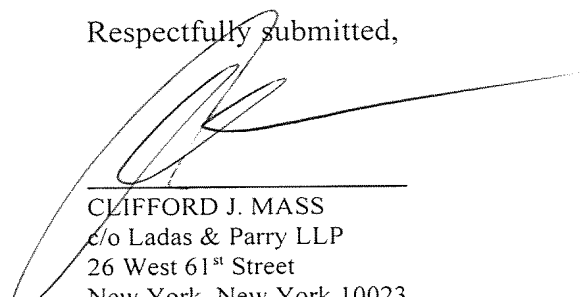
The Examiner cited Sampson for disclosing, in Fig. 3, a skin massage device with a rubber membrane in which lateral portions are thicker than a central portion. However, Sampson is directed to a lather-rubber for lathering the face in preparation for shaving, and provides no suction holes. Therefore one skilled in the art would not combine the membrane

of Sampson with Milstein as proposed by the Examiner since they are directed to completely different fields, and there is no reasonable expectation of success. Furthermore, Sampson merely shows, in Fig. 3, a membrane that has concentric ribs around a middle concave C. There is no central portion extending across a surface of the membrane, between two lateral portions as claimed.

Since one skilled in the art would not combine Milstein and Sampson as proposed by the Examiner, and since Milstein and Sampson, taken singly or in combination, fail to disclose the configuration of the central portion and the lateral portions and the arrangement of the holes as recited in claim 1, it is respectfully submitted that the claimed invention is patentable over the cited references.

In view of the above action and comments, it is respectfully submitted that the application is in condition for allowance and early notification thereof is earnestly solicited.

Respectfully submitted,



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